IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28615 of 2007(F)

AGAINST THE ORDER IN IA.5556/06 IN
AS.156/2006 of PRL.SUB COURT, KOZHIKODE

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PETITIONER:

D.WILSON, S/O.DANIEL, 24/1594,
VALAYANAD AMSOM, DESOM, KOZHIKODE TALUK.

BY ADV. SMT.MEREENA JOSEPH

RESPONDENT:

PARAKULANGARA RADHA,
D/O.CHINNAMMU AMMA,
"RASHMI", VALAYANAD AMSOM DESOM,
KOZHIKODE TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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M.N.KRISHNAN, J

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W.P.(C) No.28615 OF 2007

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Dated this the 26th day of September 2007

JUDGMENT

This writ petition is filed challenging the order of the I Addl.Sub Court, Kozhikode in I.A.No.5556/2006 in A.S.No.156/2006. It was an application for stay of the execution of the decree under Order 41 Rule 5 C.P.C. The court, after elaborately considering the entire matter, directed the petitioner therein to furnish security for an amount of Rs.90,000/- to the satisfaction of the executing court within one month from 27.7.2007. Learned counsel for the petitioner submits before me that the court should not have passed such an order especially in the light of the findings in the judgment.

2. I have perused the copy of the order which mandates that the petitioner shall pay an amount of Rs.8,937/- with 6% interest and continue to pay at the rate of Rs.1750/- per month till the actual delivery of possession. The suit is of the year 2003 and the amount calculated by the appellate court appears to be quiet correct and reasonable. This court cannot find fault with the court below in directing the petitioner to furnish

security. Therefore I confirm the order of the court below. But in order to enable the petitioner to comply with the direction, I extend time for furnishing security for a period of six weeks from today.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-